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In re Patent No. 6,762,429
Masashi Aonuma
Issue Date: July 13, 2004
Application No. 09/989,407
Filed: November 21, 2001
Attorney Docket No. Q66492

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DECISION ON REQUEST FOR
RECONSIDERATION OF
PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. 1.705

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154", filed August 23, 2004. Patentee requests that the patent term adjustment indicated on the patent be corrected from forty-two (42) days to one hundred twenty (120) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**. Patentee is given **thirty (30) days** to respond to this decision. No extensions of time will be granted under 37 C.F.R. § 1.136(a).

On July 13, 2004, the above-identified application matured into U.S. Patent No. 6,762,429. The instant request for reconsideration filed August 23, 2004 was timely filed within two months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of forty-two (42) days. Patentee states that the initial determination of patent term adjustment of one hundred twenty (120) days should not have been reduced to 42 days for the submission of prior art after the Notice of Allowance, as "a response to the examiner's reasons for allowance is an example of a paper that does not cause substantial interference and delay in the patent issue process." In other words, patentee argues that the submission of prior art after a Notice of Allowance is analogous to a response to an examiner's reasons for allowance.

Patentee's argument is not well-taken.

In view thereof, the correct determination of PTA at the time of issuance is **forty-two (42) days** (including 147 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The patented file is being forwarded to Files Repository.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (703) 305-0272.

Karin A. Ferriter
for

Karin Ferriter
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Office of Patent Legal Administration
Office of Deputy Commissioner
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